

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINAJonathan D. Dixon

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Jessica E. HollandBryson J. Barrowclough

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil Rights

(Prisoner Complaint)

Case No. _____

*(to be filled in by the Clerk's Office)*Jury Trial: ☒ Yes ☐ No
*(check one)*RECEIVED
USDC CLERK, COLUMBIA, SC
2016 SEP 12 AM 11:39**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

When submitted for filing, your complaint should be accompanied by the full filing fee or an application to proceed in *forma pauperis*.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Jonathan David Dixon

All other names by which you have been known:

ID Number

74179A

Current Institution

York County Detention Center

Address

Moss Justice Center

1675-3A York Hwy. York SC 29745

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Jessica E. Holland

Job or Title
(if known)

Assistant Sixteenth Circuit Solicitor

Shield Number

Unknown

Employer

Sixteenth Circuit Solicitor's Office

Address

1675-1A York Hwy

York SC 29745



Individual capacity



Official capacity

Defendant No. 2

Name

Bryson J. Barrowclough

Job or Title
(if known)

Deputy Public Defender

Shield Number

Unknown

Employer

Sixteenth Circuit Public Defender Office

Address

1675-1E York Hwy./P.O Box 691
York SC 29745



Individual capacity



Official capacity

Defendant No. 3

Name

Job or Title
(if known)

Shield Number

Employer

Address



Individual capacity



Official capacity

Defendant No. 4

Name

Job or Title
(if known)

Shield Number

Employer

Address



Individual capacity



Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Fifth, Sixth, Eighth, And Fourteenth Amendments Within
The U.S Constitution

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Both Ms. Holland And Mr. Barrowclough Violated My Above
Mentioned/Noted Constitutional Rights In Bad Faith And With
Malice Due To: SEE ATTACHED

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee

Ms. Holland Having Blatantly! Ignored, And Lied To The Courts On Wednesday July 27TH 2016, About Having Received, My Request For A Speedy Trial As Specified Under The Sixth Amendment, Within The U.S Constitution. When On The Above Date, She Told The Courts Via Judge John C. Hayes III, That She Had Never! Received Anything! On Me! About A Motion For A Speedy Trial Being Filed In My Behalf, Despite The Fact! That, I Can Provide Clock Standard Proof! From The York County Clerk Of Court's Office That She Did! In The Form Of A Letter Written By Me! On 6/5/15 At 6pm Specifically! Requesting That A Motion For A Fast And Speedy Trial Be Filed In My Behalf, Yet Over 15 Months After! The Request Was Initially Made And Forwarded To BOTH! Her And The Then Public Defender, Assigned To My Case, On June 11TH 2015, I STILL! Haven't Been Taken To Trial, Nor Has The Motion STILL! Even Been Filed, As Requested. Which Is How Ms. Holland Has Acted Under Color Of State Or Local Law.

Mr. Barrowclough Has Acted Under Color Of State Or Local Law, In That He! As My State Appointed Representation, At The Time Of The Request Initially! Having Been Made, Clearly! And Blatantly! Neglected To Honor My Request That The Motion For A Speedy Trial Be Filed In My Behalf! Which Caused The Blatant Violation Of My Sixth Amendment Rights, Which Created A Chain Reaction Violation Of My Fifth, Eighth, And Fourteenth Amendment Rights As Well, Through His Blatant Failure To File The Motion Upon Having Also! Received A Forwarded Copy Of My 6/5/15 6pm Letter From The York County Clerk Of Court's Office, Specifically! Requesting The Filing **OF** A Speedy Trial Motion In My Behalf.

- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

While Incarcerated At The York County Detention Center, With No Bail,
After Having Written A Letter And Sending It To The York County Clerks
Office On Friday 6/5/15 Requesting A Motion For A Speedy Trial (SEE ATTACHED)
For The Charges Of 1ST Degree Burglary And Petty Larceny (SEE ATTACHED)

- C. What date and approximate time did the events giving rise to your claim(s) occur?

On Friday June 5TH 2015 At 6:00PM

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I Requested That A Motion For A Speedy Trial Be Filed
In My Behalf, Through A Letter To The York County Clerks
Office, The Letter Was Noted, Copied, And Sent To Both The York

Be Filed In My Behalf, During A Hearing, Presided Over By Judge John C. Hayes III, Seeking Replacement Of Incompetent State Appointed Representation, On Wednesday July 27TH 2016, After Asking Judge John C. Hayes III, If I Was Indeed Entitled To The Speedy Trial I'd Requested, And After Having Been Told By Judge Hayes That I Was Indeed, But That A Motion For Such! Requests, Had To First Be Filed On My Behalf. I At That Point Learned, That Not Only! Had Both, Ms. Jessica E. Holland And Mr. Bryson J. Barrowclough Each Failed To Acknowledge My Requested Constitutional Right To A Speedy Trial, As Specified Within The Sixth Amendment, Under The United States Constitution. But When Judge Hayes Asked Ms. Holland If She! Had Ever Received Anything! On Me! About A Motion For A Speedy Trial, And Was Told No! She Hadn't, At First, By Ms. Holland, Although I Have Documented Proof, That I Can Provide, From The York County Clerk Of Court's Office, That Both She! And Mr. Barrowclough BOTH! Did! Infact! Receive Copies Of My Friday 6/5/15 6pm Letter Specifically! Requesting A Speedy Trial Motion Be Filed In My Behalf, I Also! Learned That There May Have Been Other Unlawful Acts Committed Against Me! By Both, Ms. Holland And Mr. Barrowclough As Well, Solely! At Ms. Holland's Insistence, When, Although The Motion, As Requested, still! On July 27TH 2016, And Over 13 Months After! The Request Was Initially Made, Hadn't Even Been Filed, Ms. Holland Further Tried To Justify Why I Hadn't Been Taken To Trial Yet, By Claiming That She'd Been Waiting On DNA Results, "In A Case More Than 4 Years Old At That Point" As Her First Excuse, Then Further Claiming, As Additional Reasoning, The Fact That I Keep Firing "Incompetent" Attorneys.

However! The Excuses She Attempted To Make Were Both Inadequate, Because In Over 4 Years She Shouldn't Have In Any Way Whatsoever Been Waiting On Any! DNA Results, Any! And All! Evidence, Should Have BEEN! Acquired Years Ago. Then The Excuse About Firing My Attorneys Doesn't Suffice Either Because My First Attorney Mr. Bryson J. Barrowclough, Who Was My Representation At The Time The Request Was Made, And Forwarded To BOTH! The Solicitor! And The Public Defender! By The York County Clerks Office On June 11TH 2015, Wasn't Relieved From My Case Until 7 Months After! The Request Was Initially Made, And The Motion, At That Point, STILL! Hadn't Been Filed As Requested. Furthermore 6 Months After! Mr. Barrowclough's Relief, The Motion Even Then! Still, Hadn't Been Filed As Requested, PLUS! Ms. Holland Blatantly! Lied About Having Received My Request.

- ① Having Violated My Sixth Amendment Right To A Speedy Trial, Deprived Me Of Liberty Without Due Process Of Law, Which Also! Caused Me To Be
- ② Denied The Equal Protection Of The Laws And Thereby Violated BOTH!
- ③ My Fifth And Fourteenth Amendment Rights.
- ④ The Blatant Violation Of My Sixth Amendment Right To A Speedy Trial, While Depriving Me Of Liberty Without Due Process Of Law, And While Being Held With No Bail Further Violated My Eighth Amendment Right As Well By Requiring Of Me! Excessive Bail, Which Inflicted Upon Me Cruel And Unusual Punishment.

County Solicitor And Public Defender Assigned To My Case. But The Request Was Blatantly Ignored By Both State Officials, Which Caused Me To Be Held For Over 15 Months On Excessive Bail, And To Be Deprived Of Liberty And Denied The Equal Protection Of The Laws.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I Haven't Sustained Any Personal Physical Injuries, But The Overall Accusations Of The Alleged Crime Has Caused Me To Be In Distress Living Condition Wise, In That Im Now Homeless Upon Being Released. I've Also Suffered Some Psychological Problems As Well That Im Going To Have To Seek Medical Assistance For Upon Being Released. Due To Being Kept Locked Away In A Maximum Security Housing Unit For More Than 15 Months.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Im Seeking Compensation Relief And Relief From The Accusations Of The Alleged Crimes Of Burglary And Petty Larceny. Im Seeking The Compensation Relief For A Sum Of \$250,000 Dollars From Each Defendant Apiece, Because Of The Punitive Damages Specified Above. And Im Seeking Relief From The Accusations, Because I Was Blatantly Deprived Of Due Process Of Law By Each Of The Named, State Appointed Officials.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

York County Moss Justice Detention Center

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

E. If you did file a grievance:

1. Where did you file the grievance?

2. What did you claim in your grievance?

3. What was the result, if any?

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

Because The Claim Has Nothing Whatsoever To
Do With Any Facility Or Departmental Issues

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I Attempted To File A Legal Malpractice Tort
Claim That Was Denied Leave To Proceed In Forma
Pauperis By Judge Daniel Hall On 9/2/16

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I Have No Proof, But I Believe Judge Hall Denied Me Leave To
Proceed In Forma Pauperis Not Only! Because I've Complained About
Him And Two Other Judges, But Also! Because He's Friends With Ms. Holland

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

- ☐ Yes
☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Jonathan D. Dixon

Defendant(s) Jessica Holland

2. Court (if federal court, name the district; if state court, name the county and State)

York County South Carolina

3. Docket or index number

2016 CP46-2573

4. Name of Judge assigned to your case

Judge Daniel Hall

5. Approximate date of filing lawsuit

Mailed On August 26TH 2016

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

I Was Denied Leave To Proceed In Forma Pauperis
By Judge Daniel Hall For Some Unspecified Reason

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)
- _____
- _____

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 8/8/, 2016.

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

City

State

Zip Code

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address
